

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-0924V

Filed: October 24, 2016

UNPUBLISHED

\*\*\*\*\*

SUSAN COBBINA,

\*

\*

Petitioner,

\*

v.

\*

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Ruling on Entitlement; Concession;  
Influenza ("Flu") Vaccine; Shoulder  
Injury Related to Vaccine Administration  
("SIRVA"); Right Shoulder Bursitis;  
Special Processing Unit ("SPU")

\*

Respondent.

\*

\*

\*\*\*\*\*

*Franklin John Caldwell, Jr., Maglio, Christopher & Toale, Sarasota, FL, for petitioner.  
Mallori Browne Openchowski, U.S. Department of Justice, Washington, DC, for  
respondent.*

## RULING ON ENTITLEMENT<sup>1</sup>

**Dorsey**, Chief Special Master:

On August 9, 2016, Susan Cobbina ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act"). Petitioner alleges that she suffered a right shoulder injury, including right shoulder cuff bursitis, as a result of an influenza ("flu") vaccine she received on December 5, 2015. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 24, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent states that "petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ('SIRVA'), and it was caused by the flu vaccination that petitioner received on December 5, 2015. *Id.* at 5.

<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent further agrees that no other causes were identified for petitioner's shoulder injury and the medical records show that petitioner suffered the residual effects of her injury for more than six months. *Id.* at 5-6.

**In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master